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**IN THE UNITED STATES DISTRICT COURT, CENTRAL DIVISION
DISTRICT OF UTAH**

UNIVERSITY OF UTAH, a body corporate and politic under Utah law, and J. BERNARD MACHEN, President of the University of Utah,	:	DEFENDANT'S MOTION FOR JUDGMENT ON THE PLEADINGS
Plaintiffs,	:	
v.	:	Oral Argument Requested
MARK L. SHURTLEFF, Utah Attorney General,	:	Case No. 2:02-CV-0212K
Defendant.	:	Judge Dale A. Kimball

Pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, defendant Mark L. Shurtleff, Attorney General of the State of Utah, through his attorney, Assistant Attorney General Brent A. Burnett, moves this Court to dismiss this action on the following grounds:

1. This Court is without jurisdiction to hear the plaintiffs' state law claims. Federal courts are without jurisdiction to consider claims that a state officer has violated, or refuses to follow, state law.

2. Plaintiffs, an agency of the State of Utah and its president, are prohibited from bringing claims against the state and its officers under the Fourteenth Amendment.

3. Plaintiffs do not have standing to bring this action against Attorney General Mark L. Shurtleff.

4. Plaintiffs have failed to plead any affirmative link between the defendant and any alleged violation of a federally or state created right.

5. Plaintiffs have failed to state a claim for a violation of any right protected by the First Amendment as made applicable to the states by the Fourteenth Amendment.

6. Plaintiffs have failed to state a claim for a violation of any right created by the Constitution of the State of Utah

DATED this _____ day of June, 2002.

MARK L. SHURTLEFF
Attorney General

BRENT A. BURNETT
Assistant Attorney General
Attorneys for Defendant Mark L. Shurtleff

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of June, 2002, a true, correct and complete copy of the foregoing was delivered to the following attorneys as indicated below:

Alan L. Sullivan
Todd M. Shaughnessy
Kimberly Havlik
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____ U.S. Mail
____ Hand Delivered
____ Overnight
____ Facsimile
____ No Service

Attorneys for Plaintiffs
